

## PATENT COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION  
(PCT Rule 61.2)

To:  
 Assistant Commissioner for Patents  
 United States Patent and Trademark  
 Office  
 Box PCT  
 Washington, D.C.20231  
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 14 September 2000 (14.09.00)	
International application No. PCT/EP00/00003	Applicant's or agent's file reference ACD 2665 WO
International filing date (day/month/year) 06 January 2000 (06.01.00)	Priority date (day/month/year) 12 January 1999 (12.01.99)
<b>Applicant</b> WESTMIJZE, Hans et al	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

13 June 2000 (13.06.00)

in a notice effecting later election filed with the International Bureau on:

\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Nestor Santesso
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

## PATENT COOPERATION TREATY

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REC'D 30 OCT 2000

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ACD 2665 WO	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP00/00003	International filing date (day/month/year) 06/01/2000	Priority date (day/month/year) 12/01/1999	
International Patent Classification (IPC) or national classification and IPC C08F2/20			

Applicant AKZO NOBEL N.V et al
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1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 13/06/2000	Date of completion of this report 26.10.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Giesemann, G Telephone No. +49 89 2399 8517



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP00/00003

**I. Basis of the report**

1. This report has been drawn on the basis of (substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

**Description, pages:**

1-16                   as originally filed

**Claims, No.:**

1-12                   as originally filed

2. The amendments have resulted in the cancellation of:

the description,       pages:  
 the claims,           Nos.:  
 the drawings,       sheets:

3.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-12
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-12
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/EP00/00003

2. Citations and explanations

**see separate sheet**

INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/EP00/00003

D1: WO 98 18835 A (AKZO NOBEL NV ;BOEN HO O (NL); WESTMIJZE HANS (NL); ALFERINK PETRU) 7 May 1998 (1998-05-07)  
D2: US-A-5 574 200 (LUNDIN CLAES ET AL) 12 November 1996 (1996-11-12)  
D3: EP-A-0 517 290 (BEROL NOBEL AB) 9 December 1992 (1992-12-09) cited in the application  
D4: GB-A-2 068 009 (KENOGARD AB) 5 August 1981 (1981-08-05)  
D5: EP-A-0 492 712 (AKZO NV) 1 July 1992 (1992-07-01) cited in the application

1. None of the documents cited suggests the present combination of the per se known "specific emulsifier system" (see D5) with an ethoxylated fatty alcohol with an HLB-value greater than 16 according to present claim 1 (Art. 33(3) PCT).
2. This combination leads to "safer emulsions" as set out e.g at page 11, the table and page 13, the table in view of the problem to be solved according to page 2, in the middle of the present application.  
This effect is considered to be surprising and supports inventive step.
3. The combination of D5 and D1 could lead to the present aqueous peroxide emulsion since D1 discloses also the addition of surfactants having the same range of HLB-values; however, the combination of said two documents is not obvious in itself also in the light of page 3, lines 19 to 25 of D1.
4. D1 should be acknowledged in the description.  
The other documents cited are considered less relevant.

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP 00/00003

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 C08F2/20

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C08F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98 18835 A (AKZO NOBEL NV ;BOEN HO O (NL); WESTMIJZE HANS (NL); ALFERINK PETRU) 7 May 1998 (1998-05-07) page 16, line 16 - line 22; examples 1-4 page 9, line 1 - line 17	1-12
X	US 5 574 200 A (LUNDIN CLAES ET AL) 12 November 1996 (1996-11-12) column 7, line 10 - line 15; claims 1-8 example 14	1-12
Y	EP 0 517 290 A (BEROL NOBEL AB) 9 December 1992 (1992-12-09) cited in the application page 6, line 3 - line 5; claims 10-14	1-12 -/-

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

\* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

18 May 2000

29/05/2000

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## INTERNATIONAL SEARCH REPORT

Inte onal Application No  
PCT/EP 00/00003 .

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	GB 2 068 009 A (KENOGARD AB) 5 August 1981 (1981-08-05) page 2, line 21 - line 37; example 5 _____	
Y	EP 0 492 712 A (AKZO NV) 1 July 1992 (1992-07-01) cited in the application page 2, line 15 - line 19 _____	1-12

**INTERNATIONAL SEARCH REPORT**

Information on patent family members

Int. onal Application No

PCT/EP 00/00003.

Patent document cited in search report	Publication date	Patent family member(s)		Publication date
WO 9818835	A 07-05-1998	AU 6908698 A BR 9712594 A CN 1235614 A CZ 9901553 A EP 0932631 A NO 992088 A PL 333019 A		22-05-1998 26-10-1999 17-11-1999 17-11-1999 04-08-1999 29-04-1999 08-11-1999
US 5574200	A 12-11-1996	US 5403804 A AU 639857 B AU 1712692 A CS 9201599 A DE 69202819 D DE 69202819 T EP 0517290 A ES 2074810 T FI 922390 A JP 2529632 B JP 5178921 A JP 2704863 B JP 8104707 A NO 179554 B PL 174659 B SE 9101674 A US 5270271 A		04-04-1995 05-08-1993 11-03-1993 16-12-1992 13-07-1995 21-12-1995 09-12-1992 16-09-1995 01-12-1992 28-08-1996 20-07-1993 26-01-1998 23-04-1996 22-07-1996 31-08-1998 01-12-1992 14-12-1993
EP 0517290	A 09-12-1992	AU 639857 B AU 1712692 A CS 9201599 A DE 69202819 D DE 69202819 T ES 2074810 T FI 922390 A JP 2529632 B JP 5178921 A JP 2704863 B JP 8104707 A NO 179554 B PL 174659 B SE 9101674 A US 5403804 A US 5574200 A US 5270271 A		05-08-1993 11-03-1993 16-12-1992 13-07-1995 21-12-1995 16-09-1995 01-12-1992 28-08-1996 20-07-1993 26-01-1998 23-04-1996 22-07-1996 31-08-1998 01-12-1992 04-04-1995 12-11-1996 14-12-1993
GB 2068009	A 05-08-1981	SE 435843 B AU 522636 B AU 6663081 A BE 887248 A CA 1161024 A CH 644134 A DE 3102770 A ES 498832 D ES 8204743 A FI 810213 A,B, FR 2474510 A IT 1170656 B JP 1217221 C JP 56110702 A		22-10-1984 17-06-1982 27-08-1981 27-07-1981 24-01-1984 13-07-1984 17-12-1981 01-05-1982 16-08-1982 29-07-1981 31-07-1981 03-06-1987 17-07-1984 02-09-1981

## INTERNATIONAL SEARCH REPORT

## Information on patent family members

International Application No

PCT/EP 00/00003

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
GB 2068009 A		JP 58051001 B NL 8100377 A,B, NO 810274 A,B, SE 8000668 A US 4415716 A	14-11-1983 17-08-1981 29-07-1981 29-07-1981 15-11-1983
EP 0492712 A	01-07-1992	CA 2058347 A JP 4318002 A	25-06-1992 09-11-1992